

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
IN ITS INSOLVENCY JURISDICTION
PETITION NO. 39 OF 2006

Re: Smt. Bela Gandhi.

... Debtor.

Ex-parte :
SICOM LTD.

... Petitioning Creditors.

....

Mr. P.V. Shah for the Petitioning Creditors.

Mr. A.N. Jakhadi for the Debtors.

....

CORAM : DR. D.Y. CHANDRACHUD,J.

22ND DECEMBER 2006.

P.C. :

1. Though the Insolvency Petition has been served on 19th July 2006, no affidavit-in-reply has been filed until date.

2. In Misc. Petition No.24 of 2001 instituted by SICOM Ltd. which is the Petitioning Creditor, a decree and order has been passed against the Debtor in the amount of Rs.4,95,56,954.00 together with interest at the rate of 12.00% per annum from 17th January 2006. Counsel appearing on behalf of the Petitioning Creditors states that an amount of Rs.8.43 Crores is due at present inclusive of interest. An Insolvency notice dated 10th February 2006 was personally served upon the Debtors on 11th February 2006. The act of insolvency was complete on

19th March 2006. A Motion for setting aside the insolvency notice has been dismissed by an order passed today.

3. In these circumstances, an order of adjudication would have to be passed. However, Counsel appearing on behalf of the Debtor has stated before the Court that I.D.B.I. to whom there is a claim of Rs.2.5 Crores outstanding has taken over the assets of the factory and that liberty may be granted to the Debtor to negotiate with the Petitioning Creditors amongst others. In order to enable the Debtor to do so, it would be appropriate if the order of adjudication is kept in abeyance of a period of six weeks.

4. In the circumstances, the Petition is made absolute in terms of prayer Clauses (a) and (b). However, the order of adjudication shall remain in abeyance for a period of six weeks. In the event that a settlement is arrived at with the Petitioning Creditors the Debtor shall be at liberty to apply to the Court for necessary directions.
